

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): XYBERNAUT CORPORATION

Docket No.

X0104E

Serial No.

09/843,423

Filing Date

4/25/01

Examiner

MING-HUN LIU

Group Art Unit

2675

Invention:

WIRELESS PEN INPUT DEVICE

APR 28 2004



RECEIVED

MAY 04 2004

I hereby certify that the following correspondence:

AMENDMENT

Technology Center 2600

(Identify type of correspondence)

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APRIL 27, 2004

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JAMES J. RALABATE


(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EV 394762470 US

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Note: Each paper must have its own certificate of mailing.

<b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b>			Docket No. <b>X0104E</b>		
Applicant(s): <b>XYBERNAUT CORPORATION</b>					
Serial No. <b>09/843,423</b>	Filing Date <b>4/25/01</b>	Examiner <b>MING-HUN LIU</b>	Group Art Unit <b>2675</b>		
Invention: <b>WIRELESS PEN INPUT DEVICE</b>			<b>RECEIVED</b> <b>MAY 04 2004</b>		
<u>TO THE COMMISSIONER FOR PATENTS:</u>			Technology Center 2600		
<p>Transmitted herewith is an amendment in the above-identified application.</p> <p><input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.</p> <p><input type="checkbox"/> A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.</p> <p>The fee has been calculated and is transmitted as shown below.</p>					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	-	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	-	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>18-0080</b></p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p> <div style="margin-top: 20px;"> _____ Signature</div> <div style="margin-top: 10px;">Dated: <b>APRIL 27, 2004</b></div> <div style="margin-top: 20px;"><b>JAMES J. RALABATE, REG. NO. 19,211</b> <b>5792 MAIN STREET</b> <b>WILLIAMSVILLE, NY 14221</b> <b>(716) 634-2280</b></div>					
<p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <div style="border-top: 1px solid black; height: 30px; margin-top: 10px;"></div> <p style="text-align: center; margin-top: 5px;"><i>Signature of Person Mailing Correspondence</i></p> <div style="border-top: 1px solid black; height: 30px; margin-top: 10px;"></div> <p style="text-align: center; margin-top: 5px;"><i>Typed or Printed Name of Person Mailing Correspondence</i></p>					
cc:					



04-29.04

2675  
4/A  
5-7-04  
MP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Xybernaut Corporation  
Serial Number : 09/843,423  
Filing Date : April 25, 2001  
For : Wireless Pen Input Device  
Examiner/Art Unit : Ming-Hun Liu/2675

Amendment

Under Secretary of Commerce for Intellectual property and Director  
Of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

This is in response to the Office Action mailed March 30, 2004. Please make the following amendments: